



THE ATTORNEY GENERAL  
OF TEXAS

JIM MATTON  
ATTORNEY GENERAL

September 18, 1990

Ms. Martha C. Agee  
Assistant City Attorney  
City of Waco  
P.O. Box 2570  
Waco, Texas 76702-2570

OR90-448

Dear Ms. Agee:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 9910.

The Waco Police Department received an open records request for certain employment information pertaining to a former city police officer. Specifically, the requestor seeks the former officer's work schedule, the hours he worked, and his job responsibilities. You contend that the requested information relates to the pending litigation and therefore comes under the protection of section 3(a)(3) of the Open Records Act.

You state that the city is currently a defendant in litigation in which it is alleged that the city acted in violation of its charter by improperly awarding a contract for the care of Park Ranger horses to the former officer's spouse. The information at issue arguably could be used by the plaintiff in the litigation to establish the extent to which the former officer had a financial interest in the contract between his wife and the city. This office agrees that these records reasonably relate to the pending litigation to bring them under the protection of section 3(a)(3). See Open Records Decision No. 551 (1990). You may therefore withhold this information until it is properly requested during civil discovery.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a

published open records decision. If you have questions about this ruling, please refer to OR90-448.

Yours very truly,



Jim Moellinger  
Assistant Attorney General  
Opinion Committee

JM/RWP/le

Ref.: ID# 9910

Enclosures: Open Records Decision No. 551

cc: Bob Paine  
c/o David Deavenson  
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